

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Brandon YIP et al.

Application No.: 09/403,608

Filed: October 25, 1999

For: COATED SUNGLASS LENS



PCT Legal Office

Leonard E. Smith

Anthony Smith

**THIRD RENEWED PETITION UNDER 37 C.F.R. § 1.497(d)**

Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Sir:

In response to the Decision on Request Under 37 C.F.R. § 1.497(d) issued April 02, 2002 in connection with the above-referenced application, enclosed is a copy of a "Consent of Assignee to Change in Inventorship Pursuant to 37 C.F.R. §1.48(a)(4)."


In the Decision, a copy of which is attached hereto, it is noted that Applicants have satisfied three of the four requirements for a submission under 37 C.F.R. §1.497(d). The only outstanding requirement - requirement (4) - has not so far been satisfied because the previously filed consent of assignee "does not list the name or title of the individual signing on behalf of Sola International Holding Ltd." Accordingly, the Consent of Assignee document submitted herewith identifies the individual signing on behalf of Sola as Vice President and Regional Director Wayne Rockall.

In view of the submission of this documents, Applicants submit that all of the requirements of 37 C.F.R. §1.497(d) have been met.

Correction of the inventorship of the instant applicant, by adding Randy Lee Gove as an inventor, is respectfully requested.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By   
Malcolm K. McGowan, Ph.D.  
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(703) 836-6620

Date: June 5, 2002



Patent  
Attorney's Docket No. 025265-155

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Brandon YIP, et al.

Group Art Unit: 5071

Application No.: 09/403,608

Examiner: Unassigned

Filed: October 25, 1999

For: COATED SUNGLASS LENS

**CONSENT OF ASSIGNEE TO CHANGE IN INVENTORSHIP  
PURSUANT TO 37 C.F.R. §1.48(a)(4)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Assignee Sola International Holdings, Ltd., hereby consents to amendment of the inventorship of the above-identified application by adding Randy Lee Gove as coinventor in the present application with Brandon Yip, Colin James Hall, Frank Arnold Samson, and Brian Douglas Adams.

For Sola International Holdings, Ltd.:

30.5.02  
Date

VICE PRESIDENT & REGIONAL DIRECTOR  
WAYNE ROCKALL



APR 02 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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**URGENT**

In re Application of  
YIP et al.  
Application No.: 09/403,608  
PCT No.: PCT/AU98/00868  
Int. Filing Date: 18 October 1998  
Priority Date: 21 October 1997  
Attorney Docket No.: 025265-155  
For: COATED SUNGLASS LENS

DECISION ON REQUEST  
UNDER 37 CFR 1.497(d)

This is a decision on "Second Renewed Petition Under 37 CFR 1.497(d)" filed 02 November 2001 requesting the addition of fifth joint inventor, Randy Lee Gove. Applicants' previous petition was dismissed in a decision dated 20 June 2001 because assignment provided did not sufficiently identify the application pursuant to 37 CFR 3.21.

On 02 November 2001, applicant filed the present petition.

### DISCUSSION

A submission under 37 CFR 1.497(d) to correct an error in naming inventorship requires:

- (1) a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;
- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.497(a);
- (3) the fee set forth in 37 CFR 1.17(i); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

Applicants' have satisfied items (1) through (3).

In regards to item(4) above, ~~applicants have provided~~ an assignment which sufficiently identifies the above identified application, however, a review of the "Consent of Assignee to Change in Inventorship Pursuant to 37 CFR 1.48(a)(4)" filed on 12 March 2001 reveals that the consent to add Randy Lee Gove is defective. The consent of assignee does not list the name or title of the individual signing on behalf of Sola International Holding Ltd. Therefore, applicants are requested to file an additional written consent of the

Sola Group  
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Request to Reconsideration/new petition due 6/2/02

assignee that provides the name and title of the individual acting on behalf of the assignee.

**CONCLUSION**


For the reasons discussed above, applicants' petition under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.497(d)." No additional petition fee is required.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



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